

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**SWINOMISH INDIAN TRIBAL  
COMMUNITY, a federally recognized Indian  
Tribe,**

Plaintiff,

BNSF RAILWAY COMPANY, a Delaware corporation,

Defendant.

Case No. C15-543RSL

**AMENDED ORDER SETTING  
TRIAL DATE & RELATED DATES**

## **TRIAL DATE**

June 3, 2024

## BNSF Motion to Compel Arbitration

May 12, 2023

## Tribe's Response to Motion to Compel

June 2, 2023

## BNSF Reply Motion to Compel

June 16, 2023

Document Exchange Deadline

August 18, 2023

## Completion of Fact Discovery

October 6, 2023

### **Primary Export Witness Disclosure**

December 15, 20

## Rebuttal Expert Witness Disclosures

January 26, 2024

### **Mediation to be Initiated By**

January 26, 2024

## Compilation of Expert Discourse

February 16, 2024

Building a File Distribution Mechanism and Database Management System

May 1, 14, 2024

|   |                                     |              |
|---|-------------------------------------|--------------|
| 1 | Agreed Pretrial Order Due           | May 17, 2024 |
| 2 | Trial Briefs and Trial Exhibits Due | May 29, 2024 |
| 3 | Length of Trial: 5 days             | Non Jury     |

4                 These dates are set at the direction of the Court after reviewing the joint status report  
5 submitted by the parties. All other dates are specified in the Local Civil Rules. If any of the  
6 dates identified in this Order or the Local Civil Rules fall on a weekend or federal holiday, the  
7 act or event shall be performed on the next business day. These are firm dates that can be  
8 changed only by order of the Court, not by agreement of counsel or the parties. The Court will  
9 alter these dates only upon good cause shown; failure to complete discovery within the time  
10 allowed is not recognized as good cause.

11                 If the trial date assigned to this matter creates an irreconcilable conflict, counsel must  
12 notify Teri Roberts, the judicial assistant, at 206-370-8810 within 10 days of the date of this  
13 Order and must set forth the exact nature of the conflict. A failure to do so will be deemed a  
14 waiver. Counsel must be prepared to begin trial on the date scheduled, but it should be  
15 understood that the trial may have to await the completion of other cases.

16                 The settlement conference conducted between the close of discovery and the filing of  
17 dispositive motions requires a face-to-face meeting or a telephone conference between persons  
18 with authority to settle the case. The settlement conference does not have to involve a third-  
19 party neutral.

#### 20                 ALTERATIONS TO ELECTRONIC FILING PROCEDURES AND LOCAL RULES

21                 Information and procedures for electronic filing can be found on the Western District of  
22 Washington's website at [www.wawd.uscourts.gov](http://www.wawd.uscourts.gov). *Pro se* litigants may file either  
23 electronically or in paper form. The following alterations to the Electronic Filing Procedures  
24 apply in all cases pending before Judge Lasnik:

– Alteration to LCR 10(e)(9) - Effective July 1, 2014, the Western District of Washington will no longer accept courtesy copies in 3-ring binders. All courtesy copies must be 3-hole punched, tabbed, and bound by rubber bands or clips. If any courtesy copies are delivered to the intake desk or chambers in 3-ring binders, the binders will be returned immediately. This policy does **NOT** apply to the submission of trial exhibits.

– Alteration to Section III, Paragraph M of the Electronic Filing Procedures - Unless the proposed order is stipulated, agreed, or otherwise uncontested, the parties need not e-mail a copy of the order to the judge's e-mail address.

– Pursuant to LCR 10(e)(10), all references in the parties’ filings to exhibits should be as specific as possible (*i.e.*, the reference should cite the specific page numbers, paragraphs, line numbers, etc.). All exhibits must be marked to designate testimony or evidence referred to in the parties’ filings. Filings that do not comply with LCR 10(e) may be rejected and/or returned to the filing party, particularly if a party submits lengthy deposition testimony without highlighting or other required markings.

– Alteration to LCR 7(d)(4) - Any motion *in limine* must be filed by the date set forth above and noted on the motion calendar no earlier than the second Friday thereafter. Any response is due on or before the Wednesday before the noting date. Parties may file and serve reply memoranda, not to exceed nine pages in length, on or before the noting date.

## PRIVACY POLICY

Pursuant to Federal Rule of Civil Procedure 5.2 and LCR 5.2, parties must redact the following information from documents and exhibits before they are filed with the court:

\* Dates of Birth - redact to the year of birth

\* Names of Minor Children - redact to the initials

\* Social Security Numbers and Taxpayer Identification Numbers - redact in their entirety

1                   \* Financial Accounting Information - redact to the last four digits

2                   \* Passport Numbers and Driver License Numbers - redact in their entirety

3                   All documents filed in the above-captioned matter must comply with Federal Rule of

4 Civil Procedure 5.2 and LCR 5.2.

5                   COOPERATION

6                   As required by LCR 37(a), all discovery matters are to be resolved by agreement if  
7 possible. Counsel are further directed to cooperate in preparing the final pretrial order in the  
8 format required by LCR 16.1, except as ordered below.

9                   TRIAL EXHIBITS

10                  The original and one copy of the trial exhibits are to be delivered to chambers five days  
11 before the trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the  
12 Clerk's Office. The Court hereby alters the LCR 16.1 procedure for numbering exhibits:  
13 plaintiff's exhibits shall be numbered consecutively beginning with 1; defendant's exhibits shall  
14 be numbered consecutively beginning with 500. Duplicate documents shall not be listed twice:  
15 once a party has identified an exhibit in the pretrial order, any party may use it. Each set of  
16 exhibits shall be submitted in a three-ring binder with appropriately numbered tabs.

17                  SETTLEMENT

18                  Should this case settle, counsel shall notify the Deputy Clerk, Victoria Ericksen at 206-  
19 370-8517 as soon as possible. Pursuant to LCR 11(b), an attorney who fails to give the Deputy  
20 Clerk prompt notice of settlement may be subject to such discipline as the Court deems  
21 appropriate.

1 DATED this 25<sup>th</sup> day of April, 2023.  
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3  
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Robert S. Lasnik  
United States District Judge